



9/01/02

Examiner Kim Lockett
Assistant Commissioner of Patents
Box Patent Application
Washington, D C 20231

7/Pre. Amdt.
1-17-03

Re: Preliminary Amendment for U. S. Patent Application #09/921,540 filed 08/03/2001

This cover letter is supplied by applicant following advice of Robert Nappi, Examiner Supervisor. The letter provides a delineation of the preliminary amendments made to the above identified patent application. These corrections are made to improve syntax; correct grammar, and spelling; to delete repetition of paragraphs, and in the case of the Drawing Figures, to correct numerals and drawing errors. These corrections are for greater precision and accuracy, and for improved readability. The Claims section has been rewritten to follow the particular nomenclature and idiomatic expression guidelines of the Patent Office, and to more properly claim the invention. While the original document is basically complete and comprehensible, the amendments are necessary for correctness and clearer comprehension. No new matter has been added.

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The amendments, in order of occurrence, begin with an Information Disclosure Statement list of newly discovered prior art background, and continue with the significant corrections of the application, presented as the numbered list of entries below. The location of corrections is identified by page and line, both in black for the amended application, and in parentheses for the marked changes on the original application:

1. An Information Disclosure Statement that lists background prior art that was discovered as a result of a more comprehensive follow-up search executed by applicant after an incomplete search was provided by the attorney engaged for that purpose.

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2. Pg 1, line 1, (Pg 1, lines 1-2): Title changed to more completely encompass the invention.
3. Pg 1, lines 2 & 6, (Pg 1, lines 3, 4, & 8): Headings changed; examples of the corrections made to all the headings of the application so as to conform with PTO's guidelines for headings.
4. Pg 1, line 6 to pg 8, line 19, (Pg 1, line 8 to pg 10, line 12): "BACKGROUND—Prior Art" section: Though the presentation is basically the same, considerable rewriting has been done to make this section readily comprehensible. Though the prior art presented in this section is background for the invention, some is not nearly as relevant to the background as that listed in the IDS which resulted from the later search noted above.
5. Pg 8, line 20 to pg 10, line 5, (Pg 10, line 13 to pg 11, line 23): "DEFINITIONS," rewording of parts for improved clarity. Importantly, the word "group" has been attached to "octave" in the "10. Pitch marking" definition to clarify that "octave group" in this patent application means the twelve consecutive note tones of music, as opposed to "octave," which is an ambiguous term that may be interpreted as 8, 12, or 13 consecutive tones, as well as the distance from one to an eighth note of consecutive notes a whole step apart, going up, or down in pitch. The change of the term "octave" to "octave group" is made throughout the patent application for the preferred embodiment.
6. Pg 10, line 6 to pg 12, line 9, (Pg 12, line 1 to pg 14, line 8): "SUMMARY," rewording of parts for clarity.
7. Pg 12, line 10 to pg 13, line 18, (Pg 14, line 9 to pg 15, line 17): "DRAWINGS—Figures," minor rewriting for clarity for Figs: 1, 2, 10, 11, 13, & 14.

8. Pg 13, line 19, beginning of section (Pg 15, line 18, beginning of section): “DETAILED DESCRIPTION—Including the Preferred Embodiment.” Changes have been made for clarity, those of significance are enumerated as follows:

- 1) Pg 14, lines 16-18, (Pg 16, lines 15-17 are rewrite of deleted lines 1-3 of pg 17).
- 2) Pg 15, lines 1-9, (Pg 17, lines 3-11 beginning with the word “Following” replace deleted lines 5-10 of pg 22; paragraphs are slightly reworded for clarity).
- 3) Pg 15, lines 10-20, (Pg 17, line 15 beginning with the words “To further” to pg 18, line 2; a section which more precisely defines the term “octave group,” replaces deleted lines 12-15 of pg 17 ending with the words “base octave”).
- 4) Pg 16, lines 15-17 beginning with the words “In the,” (Pg 18, lines 22-23 beginning with the words “In the” replace deleted lines 1-4 of pg 19).
- 5) Pg 17, lines 5-12, (Pg 19, lines 16-23 replace deleted lines from line 20 of pg 21 to line 4 of pg 22, and also lines 11-16 of pg 22 which is a repeat).
- 6) Pg 15, line 21 to pg 16 line 17, (Pg 18, lines 3-23 replace deleted lines from line 17 of pg 22 to line 7 of pg 23).
- 7) Pg 23, lines 3-20 beginning with the word, “Beginning,” (Pg 27, lines 4-21 replace deleted lines from line 16 of pg 26 to line 4 of pg 27).
- 8) Pg 31, lines 5-12 beginning with the word, “indicator,” (Pg 35, lines 11-18): More completely explains the “partial indicators” of the trombone note location identifier; these are in the figure originally submitted for the trombone. They are not claimed at this time, but will be addressed with a CIP).
- 9) Pg 36, lines 3-18, (Pg 40, line 18 to pg 41, line 9): More completely describes the “alternative time duration marks” that are shown in Figs 12, 13, & 14. They are not claimed at this time, but will be addressed with a CIP).

- 10) Pg 39, line 9 to pg 41 line 13, (Pg 42, line 8 to pg 44, line 3 deleted and moved). Section moved to follow “OPERATION—Preferred Embodiment” section, and titled “DESCRIPTION—Conclusion, Ramifications, and Scope.”
9. Pg 42 to pg 59, (Pg 48 to pg 56, Claims numbered 1-50 deleted, and replaced by pg 57 to pg 74, and numbered 51-122).
10. Pg 60, (Pg 57, Abstract deleted and replaced on pg 75 with minor changes).
11. 10 pgs of Drawing Figures, Figures 1, 4, & 7-14, (10 pgs of marked, corrected Drawing Figures, Figures 1, 4, & 7-14).

Sincerely,



Jane S. MacCutcheon